

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

STEVEN ZELLERS,
Plaintiff,
vs.
METROPOLITAN LIFE INSURANCE
COMPANY,
Defendant.

Case No. 3:17-cv-03636-EMC

**[PROPOSED] ORDER ON
STIPULATION TO REMAND ERISA
CLAIM AND STAY ACTION PENDING
REVIEW ON REMAND (modified)**

Complaint Filed: June 26, 2017
Discovery Cut-off: January 15, 2018
Motion Cut-off: February 15, 2018
Bench Trial: April 26, 2018

[PROPOSED] ORDER

Having reviewed the parties' Stipulation to remand the matter and stay the action, AND FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED THAT the Parties' Stipulation is the Order of the Court.

IT IS FURTHER ORDERED THAT the matter is remanded back to Defendant Metropolitan Life Insurance Company (“MetLife”) to re-review Plaintiff’s claim for short-term disability benefits under the correct Plan document and consistent with the parties’ Stipulation. The action is stayed pending MetLife’s re-review of Plaintiff’s short-term disability claim on remand.

Plaintiff may ask that the Court lift the stay in order to seek judicial review of any final adverse benefits determination on remand and/or to seek an award of attorneys' fees and costs. MetLife also preserves any and all rights, claims and defenses in any future proceeding between the parties. 4/26/2018 motion hearing vacated. Further CMC set for 9/20/2018 at 10:30 a.m. Joint CMC statement due 8/13/2018.

DATED: 3/19 , 2018

